



House of Representatives

File No. 544

General Assembly

February Session, 2010

(Reprint of File No. 69)

House Bill No. 5252
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
April 14, 2010

AN ACT CONCERNING THE PRETRIAL ALCOHOL EDUCATION PROGRAM AND THE PRETRIAL DRUG EDUCATION PROGRAM.

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. Section 54-56g of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2010*):

4 (a) There shall be a pretrial alcohol education program for persons
5 charged with a violation of section 14-227a, 14-227g, 15-132a, 15-133,
6 15-140l or 15-140n. Upon application by any such person for
7 participation in such [system] program and payment to the court of an
8 application fee of one hundred dollars and a nonrefundable evaluation
9 fee of one hundred dollars, the court shall, but only as to the public,
10 order the court file sealed, provided such person states under oath, in
11 open court or before any person designated by the clerk and duly
12 authorized to administer oaths, under penalties of perjury that: (1) If
13 such person is charged with a violation of section 14-227a, such person
14 has not had such [system] program invoked in such person's behalf
15 within the preceding ten years for a violation of section 14-227a, (2) if

16 such person is charged with a violation of section 14-227g, such person
17 has never had such [system] program invoked in such person's behalf
18 for a violation of section 14-227a or 14-227g, (3) such person has not
19 been convicted of a violation of section 53a-56b or 53a-60d, a violation
20 of subsection (a) of section 14-227a before or after October 1, 1981, or a
21 violation of subdivision (1) or (2) of subsection (a) of section 14-227a on
22 or after October 1, 1985, and (4) such person has not been convicted in
23 any other state at any time of an offense the essential elements of
24 which are substantially the same as section 53a-56b or 53a-60d or
25 subdivision (1) or (2) of subsection (a) of section 14-227a. Unless good
26 cause is shown, a person shall be ineligible for participation in such
27 pretrial alcohol education [system] program if such person's alleged
28 violation of section 14-227a or 14-227g caused the serious physical
29 injury, as defined in section 53a-3, of another person. The application
30 fee imposed by this subsection shall be credited to the Criminal
31 Injuries Compensation Fund established by section 54-215. The
32 evaluation fee imposed by this subsection shall be credited to the
33 pretrial account established under section 54-56k, as amended by this
34 act.

35 (b) The court, after consideration of the recommendation of the
36 state's attorney, assistant state's attorney or deputy assistant state's
37 attorney in charge of the case, may, in its discretion, grant such
38 application. If the court grants such application, the court shall refer
39 such person to the Court Support Services Division for assessment and
40 confirmation of the eligibility of the applicant and to the Department
41 of Mental Health and Addiction Services for evaluation. The Court
42 Support Services Division, in making its assessment and confirmation,
43 may rely on the representations made by the applicant under oath in
44 open court with respect to convictions in other states of offenses
45 specified in subsection (a) of this section. Upon confirmation of
46 eligibility and receipt of the evaluation report, the defendant shall be
47 referred to the Department of Mental Health and Addiction Services
48 by the Court Support Services Division for placement in an
49 appropriate alcohol intervention program for one year, or be placed in

50 a state-licensed substance abuse treatment program. The alcohol
51 intervention program shall include a ten-session intervention program
52 and a fifteen-session intervention program. Any person who enters the
53 [system] pretrial alcohol education program shall agree: (1) To the
54 tolling of the statute of limitations with respect to such crime, (2) to a
55 waiver of such person's right to a speedy trial, (3) to complete ten or
56 fifteen counseling sessions in an alcohol intervention program or
57 successfully complete a substance abuse treatment program of not less
58 than twelve sessions pursuant to this section dependent upon the
59 evaluation report and the court order, (4) to commence participation in
60 an alcohol intervention program or substance abuse treatment
61 program not later than ninety days after the date of entry of the court
62 order unless granted a delayed entry into a program by the court, (5)
63 upon completion of participation in the alcohol intervention program,
64 to accept placement in a substance abuse treatment program upon the
65 recommendation of a provider under contract with the Department of
66 Mental Health and Addiction Services pursuant to subsection (f) of this
67 section or placement in a state-licensed substance abuse treatment
68 program which meets standards established by the Department of
69 Mental Health and Addiction Services, if the Court Support Services
70 Division deems it appropriate, and (6) if ordered by the court, to
71 participate in at least one victim impact panel. The suspension of the
72 motor vehicle operator's license of any such person pursuant to section
73 14-227b shall be effective during the period such person is
74 participating in [such] the pretrial alcohol education program,
75 provided such person shall have the option of not commencing the
76 participation in such program until the period of such suspension is
77 completed. If the Court Support Services Division informs the court
78 that the defendant is ineligible for [the system] such program and the
79 court makes a determination of ineligibility or if the program provider
80 certifies to the court that the defendant did not successfully complete
81 the assigned program or is no longer amenable to treatment and such
82 person does not [pursue] request, or the court denies, program
83 reinstatement under subsection (e) of this section, the court shall order
84 the court file to be unsealed, enter a plea of not guilty for such

85 defendant and immediately place the case on the trial list. If such
86 defendant satisfactorily completes the assigned program, such
87 defendant may apply for dismissal of the charges against such
88 defendant and the court, on reviewing the record of the defendant's
89 participation in such program submitted by the Court Support
90 Services Division and on finding such satisfactory completion, shall
91 dismiss the charges. If the defendant does not apply for dismissal of
92 the charges against such defendant after satisfactorily completing the
93 assigned program the court, upon receipt of the record of the
94 defendant's participation in such program submitted by the Court
95 Support Services Division, may on its own motion make a finding of
96 such satisfactory completion and dismiss the charges. Upon motion of
97 the defendant and a showing of good cause, the court may extend the
98 one-year placement period for a reasonable period for the defendant to
99 complete the assigned program. A record of participation in such
100 program shall be retained by the Court Support Services Division for a
101 period of [seven] ten years from the date [of] the court grants the
102 application for participation in such program. The Court Support
103 Services Division shall transmit to the Department of Motor Vehicles a
104 record of participation in such program for each person who
105 satisfactorily completes such program. The Department of Motor
106 Vehicles shall maintain for a period of ten years the record of a
107 person's participation in such program as part of such person's driving
108 record. The Court Support Services Division shall transmit to the
109 Department of Environmental Protection the record of participation of
110 any person who satisfactorily completes such program who has been
111 charged with a violation of the provisions of section 15-132a, 15-133,
112 15-140/ or 15-140n. The Department of Environmental Protection shall
113 maintain for a period of ten years the record of a person's participation
114 in such program as a part of such person's boater certification record.

115 (c) At the time the court grants the application for participation in
116 the pretrial alcohol [intervention] education program, such person
117 shall also pay to the court a nonrefundable program fee of three
118 hundred fifty dollars if such person is ordered to participate in the ten-

119 session intervention program and a nonrefundable program fee of five
120 hundred dollars if such person is ordered to participate in the fifteen-
121 session intervention program. If the court grants the application for
122 participation in the pretrial alcohol education program and such
123 person is ordered to participate in a substance abuse treatment
124 program, such person shall be responsible for the costs associated with
125 participation in such program. No person may be excluded from either
126 program for inability to pay such fee or cost, provided (1) such person
127 files with the court an affidavit of indigency or inability to pay, (2)
128 such indigency or inability to pay is confirmed by the Court Support
129 Services Division, and (3) the court enters a finding thereof. If the court
130 finds that a person is indigent or unable to pay for a treatment
131 program, the costs of such program shall be paid [for] from the pretrial
132 account established under section 54-56k, as amended by this act. If the
133 court finds that a person is indigent or unable to pay for an
134 intervention program, the court may waive all or any portion of the fee
135 for such intervention program. If the court denies the application, such
136 person shall not be required to pay the program fee. If the court grants
137 the application [,] and such person is later determined to be ineligible
138 for participation in such pretrial alcohol education [system] program
139 or fails to complete the assigned program, the program fee shall not be
140 refunded. All program fees shall be credited to the pretrial account
141 established under section 54-56k, as amended by this act.

142 (d) If a person returns to court with certification from a program
143 provider that such person did not successfully complete the assigned
144 program or is no longer amenable to treatment, the provider, to the
145 extent practicable, shall include a recommendation to the court as to
146 whether a ten-session intervention program, a fifteen-session
147 intervention program or placement in a state-licensed [alcohol]
148 substance abuse treatment program would best serve such person's
149 needs. The provider shall also indicate whether the current program
150 referral was an initial referral or a reinstatement to the program.

151 (e) When a person subsequently requests reinstatement into an
152 alcohol intervention program or a substance abuse treatment program

153 and the Court Support Services Division verifies that such person is
154 eligible for reinstatement into such program and thereafter the court
155 favorably acts on such request, such person shall pay a nonrefundable
156 program fee of one hundred seventy-five dollars if ordered to
157 complete a ten-session intervention program or two hundred fifty
158 dollars if ordered to complete a fifteen-session intervention program,
159 as the case may be. Unless good cause is shown, such fees shall not be
160 waived. If the court grants a person's request to be reinstated into a
161 treatment program, such person shall be responsible for the costs, if
162 any, associated with being reinstated into the treatment program. All
163 program fees collected in connection with a reinstatement to an
164 intervention program shall be credited to the pretrial account
165 established under section 54-56k, as amended by this act. No person
166 shall be permitted more than two program reinstatements pursuant to
167 this subsection.

168 (f) The Department of Mental Health and Addiction Services shall
169 contract with service providers, develop standards and oversee
170 appropriate alcohol programs to meet the requirements of this section.
171 Said department shall adopt regulations, in accordance with chapter
172 54, to establish standards for such alcohol programs. Any person
173 ordered to participate in a treatment program shall do so at a state-
174 licensed treatment program which meets the standards established by
175 said department. Any defendant whose employment or residence
176 makes it unreasonable to attend an alcohol intervention program or a
177 substance abuse treatment program in this state may attend a program
178 in another state which has standards substantially similar to, or higher
179 than, those of this state, subject to the approval of the court and
180 payment of the application, evaluation and program fees and
181 treatment costs, as appropriate, as provided in this section.

182 (g) The court may, as a condition of granting such application,
183 require that such person participate in a victim impact panel program
184 approved by the Court Support Services Division of the Judicial
185 Department. Such victim impact panel program shall provide a
186 nonconfrontational forum for the victims of alcohol-related or drug-

187 related offenses and offenders to share experiences on the impact of
188 alcohol-related or drug-related incidents in their lives. Such victim
189 impact panel program shall be conducted by a nonprofit organization
190 that advocates on behalf of victims of accidents caused by persons who
191 operated a motor vehicle while under the influence of intoxicating
192 liquor or any drug, or both. Such organization may assess a
193 participation fee of not more than seventy-five dollars on any person
194 required by the court to participate in such program, provided such
195 organization shall offer a hardship waiver when it has determined that
196 the imposition of a fee would pose an economic hardship for such
197 person.

198 (h) The provisions of this section shall not be applicable in the case
199 of any person charged with a violation of section 14-227a while
200 operating a commercial motor vehicle, as defined in section 14-1.

201 Sec. 2. Section 54-56i of the 2010 supplement to the general statutes
202 is repealed and the following is substituted in lieu thereof (*Effective July*
203 *1, 2010*):

204 (a) There is established a pretrial drug education program for
205 persons charged with a violation of section 21a-267 or 21a-279. The
206 drug education program shall include a ten-session drug intervention
207 program, a fifteen-session drug intervention program and a [drug]
208 substance abuse treatment program.

209 (b) Upon application by any such person for participation in such
210 program and payment to the court of an application fee of one
211 hundred dollars and a nonrefundable evaluation fee of one hundred
212 dollars, the court shall, but only as to the public, order the court file
213 sealed provided such person states under oath, in open court or before
214 any person designated by the clerk and duly authorized to administer
215 oaths, under penalties of perjury, that such person has never had such
216 program invoked in such person's behalf. A person shall be ineligible
217 for participation in such pretrial drug education program if such
218 person has previously participated in the eight-session, ten-session or

219 fifteen-session drug education program, or substance abuse treatment
220 program established under this section or the pretrial community
221 service labor program established under section 53a-39c. The
222 evaluation and application fee [required pursuant to] imposed by this
223 subsection shall be credited to the pretrial account established under
224 section 54-56k, as amended by this act.

225 (c) The court, after consideration of the recommendation of the
226 state's attorney, assistant state's attorney or deputy assistant state's
227 attorney in charge of the case, may, in its discretion, grant such
228 application. If the court grants such application, the court shall refer
229 such person to the Court Support Services Division for confirmation of
230 the eligibility of the applicant and to the Department of Mental Health
231 and Addiction Services for evaluation.

232 (d) Upon confirmation of eligibility and receipt of the evaluation
233 required pursuant to subsection (c) of this section, such person shall be
234 referred to the Department of Mental Health and Addiction Services
235 by the Court Support Services Division for placement in the drug
236 education program. Participants in the drug education program shall
237 receive appropriate drug intervention services or substance abuse
238 treatment program services, as recommended by the evaluation
239 conducted pursuant to subsection (c) of this section, and ordered by
240 the court. Placement in the drug education program pursuant to this
241 section shall not exceed one year. Persons receiving substance abuse
242 treatment program services in accordance with the provisions of this
243 section shall only receive such services at state licensed substance
244 abuse treatment program facilities that are in compliance with all state
245 standards governing the operation of such facilities. Any person who
246 enters the program shall agree: (1) To the tolling of the statute of
247 limitations with respect to such crime; (2) to a waiver of such person's
248 right to a speedy trial; (3) to complete participation in the ten-session
249 drug intervention program, fifteen-session drug intervention program
250 or substance abuse treatment program, as recommended by the
251 evaluation conducted pursuant to subsection (c) of this section, and
252 ordered by the court; (4) to commence participation in the drug

253 education program not later than ninety days after the date of entry of
254 the court order unless granted a delayed entry into the program by the
255 court; and (5) upon completion of participation in the pretrial drug
256 education program, to accept placement in a treatment program upon
257 the recommendation of a provider under contract with the Department
258 of Mental Health and Addiction Services or placement in a treatment
259 program that has standards substantially similar to, or higher than, a
260 program of a provider under contract with the Department of Mental
261 Health and Addiction Services if the Court Support Services Division
262 deems it appropriate. The [department] Court Support Services
263 Division shall require as a condition of participation in the drug
264 education program that any person participating in the ten-session
265 drug intervention program or the substance abuse treatment program
266 also participate in the community service labor program, established
267 pursuant to section 53a-39c, for not less than five days; and that any
268 person participating in the fifteen-session drug intervention program
269 also participate in said community service labor program, for not less
270 than ten days.

271 (e) If the Court Support Services Division informs the court that
272 such person is ineligible for the program and the court makes a
273 determination of ineligibility or if the program provider certifies to the
274 court that such person did not successfully complete the assigned
275 program and such person did not [pursue] request, or the court
276 denied, reinstatement in the program under subsection (i) of this
277 section, the court shall order the court file to be unsealed, enter a plea
278 of not guilty for such person and immediately place the case on the
279 trial list.

280 (f) If such person satisfactorily completes the assigned program,
281 such person may apply for dismissal of the charges against such
282 person and the court, on reviewing the record of such person's
283 participation in such program submitted by the Court Support
284 Services Division and on finding such satisfactory completion, shall
285 dismiss the charges. If such person does not apply for dismissal of the
286 charges against such person after satisfactorily completing the

287 assigned program, the court, upon receipt of the record of such
288 person's participation in such program submitted by the Court
289 Support Services Division, may on its own motion make a finding of
290 such satisfactory completion and dismiss the charges. Upon motion of
291 such person and a showing of good cause, the court may extend the
292 placement period for a reasonable period for such person to complete
293 the assigned program. A record of participation in such program shall
294 be retained by the Court Support Services Division for a period of ten
295 years from the date [of] the court grants the application for
296 participation in the program.

297 (g) At the time the court grants the application for participation in
298 the pretrial drug education program, such person shall pay to the court
299 a nonrefundable program fee of three hundred fifty dollars if such
300 person is ordered to participate in the ten-session drug intervention
301 program or five hundred dollars if such person is ordered to
302 participate in the fifteen-session drug intervention program. If the
303 court orders participation in a [drug] substance abuse treatment
304 program, such person shall be responsible for the costs associated with
305 such program. No person may be excluded from any such program for
306 inability to pay such fee or cost, provided (1) such person files with the
307 court an affidavit of indigency or inability to pay, (2) such indigency or
308 inability to pay is confirmed by the Court Support Services Division,
309 and (3) the court enters a finding thereof. The court may waive all or
310 any portion of such fee depending on such person's ability to pay. If
311 the court finds that a person is indigent or unable to pay for a
312 treatment program, the costs of such program shall be paid from the
313 pretrial account established under section 54-56k, as amended by this
314 act. If the court denies the application, such person shall not be
315 required to pay the program fee. If the court grants the application,
316 and such person is later determined to be ineligible for participation in
317 such pretrial drug education program or fails to complete the assigned
318 program, the program [fees] fee shall not be refunded. All [such]
319 program fees shall be credited to the pretrial account established under
320 section 54-56k, as amended by this act.

321 (h) If a person returns to court with certification from a program
322 provider that such person did not successfully complete the assigned
323 program or is no longer amenable to treatment, the provider, to the
324 extent practicable, shall include a recommendation to the court as to
325 whether a ten-session drug intervention program, a fifteen-session
326 drug intervention program or placement in a substance abuse
327 treatment program would best serve such person's needs. The
328 provider shall also indicate whether the current program referral was
329 an initial referral or a reinstatement to the program.

330 (i) When a person subsequently requests reinstatement into a drug
331 intervention program or a substance abuse treatment program and the
332 Court Support Services Division verifies that such person is eligible for
333 reinstatement into such program and thereafter the court favorably
334 acts on such request, such person shall pay a nonrefundable program
335 fee of one hundred seventy-five dollars if ordered to complete a ten-
336 session drug intervention program or two hundred fifty dollars if
337 ordered to complete a fifteen-session drug intervention program, as
338 the case may be. Unless good cause is shown, such fees shall not be
339 waived. If the court grants a person's request to be reinstated into a
340 [drug] substance abuse treatment program, such person shall be
341 responsible for the costs, if any, associated with being reinstated into
342 the treatment program. All program fees collected in connection with a
343 reinstatement to a drug intervention program shall be credited to the
344 pretrial account established under section 54-56k, as amended by this
345 act. No person shall be permitted more than two program
346 reinstatements pursuant to this subsection.

347 (j) The Department of Mental Health and Addiction Services shall
348 develop standards and oversee appropriate drug education programs
349 to meet the requirements of this section and may contract with service
350 providers to provide such programs. The department shall adopt
351 regulations, in accordance with chapter 54, to establish standards for
352 such drug education programs.

353 (k) Any person whose employment or residence or schooling makes

354 it unreasonable to attend a drug intervention program or substance
355 abuse treatment program in this state may attend a program in another
356 state that has standards similar to, or higher than, those of this state,
357 subject to the approval of the court and payment of the program fee or
358 costs as provided in this section.

359 Sec. 3. Subsection (b) of section 14-227j of the general statutes is
360 repealed and the following is substituted in lieu thereof (*Effective July*
361 *1, 2010*):

362 (b) Any person who has been arrested for a violation of subsection
363 (a) of section 14-227a, section 53a-56b, or section 53a-60d, may be
364 ordered by the court not to operate any motor vehicle unless such
365 motor vehicle is equipped with an ignition interlock device. Any such
366 order may be made as a condition of such person's release on bail, as a
367 condition of probation or as a condition of granting such person's
368 application for participation in the pretrial alcohol education [system]
369 program under section 54-56g, as amended by this act, and may
370 include any other terms and conditions as to duration, use, proof of
371 installation or any other matter that the court determines to be
372 appropriate or necessary.

373 Sec. 4. Subsection (d) of section 17a-485b of the general statutes is
374 repealed and the following is substituted in lieu thereof (*Effective July*
375 *1, 2010*):

376 (d) Within the limits of available appropriations, the Department of
377 Mental Health and Addiction Services shall provide for such staff and
378 other administrative support as may be required by the board for the
379 purposes of sections 17a-485 to 17a-485c, inclusive, subsection (h) of
380 section 8-395, [subsection (c) of] section 54-56g, as amended by this act,
381 [subsection (g) of] section 54-56i, as amended by this act, section 54-
382 56k, as amended by this act, and sections 4, 7, 11 and 12 of public act
383 01-8 of the June special session.

384 Sec. 5. Section 54-66a of the general statutes is repealed and the
385 following is substituted in lieu thereof (*Effective July 1, 2010*):

386 Any bail bond posted in any criminal proceeding in this state shall
387 be automatically terminated and released whenever the defendant: (1)
388 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
389 granted admission to the pretrial alcohol education [system] program
390 pursuant to section 54-56g, as amended by this act; (3) is granted
391 admission to the pretrial family violence education program pursuant
392 to section 46b-38c; (4) is granted admission to the community service
393 labor program pursuant to section 53a-39c; (5) is granted admission to
394 the pretrial drug education program pursuant to section 54-56i, as
395 amended by this act; (6) has the complaint or information filed against
396 such defendant dismissed; (7) is acquitted; (8) is sentenced by the
397 court; (9) is granted admission to the pretrial school violence
398 prevention program pursuant to section 54-56j; or (10) is charged with
399 a violation of section 29-33 and prosecution has been suspended
400 pursuant to subsection (h) of section 29-33.

401 Sec. 6. Section 54-56k of the general statutes is repealed and the
402 following is substituted in lieu thereof (*Effective July 1, 2010*):

403 (a) There is established an account to be known as the pretrial
404 account. The account shall contain any moneys required by law to be
405 deposited in the account and shall be a separate, nonlapsing account of
406 the General Fund. Investment earnings credited to the account shall
407 become part of the assets of the account. Any balance remaining in
408 said account at the end of any fiscal year shall be carried forward in the
409 account for the next fiscal year.

410 (b) There shall be deposited in the pretrial account all evaluation
411 fees collected pursuant to subsection (a) of section 54-56g, as amended
412 by this act, and subsection (b) of section 54-56i, as amended by this act,
413 and all program fees collected pursuant to [subsection] subsections (c)
414 and (e) of section 54-56g, as amended by this act, and [subsection]
415 subsections (g) and (i) of section 54-56i, as amended by this act, and
416 funds appropriated in subsection (a) of section 47 of special act 01-1 of
417 the June special session.

418 (c) Amounts in the pretrial account shall be available to fund the
419 cost of operating the pretrial alcohol and drug education programs
420 established under sections 54-56g, as amended by this act, and 54-56i,
421 as amended by this act.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2010</i>	54-56g
Sec. 2	<i>July 1, 2010</i>	54-56i
Sec. 3	<i>July 1, 2010</i>	14-227j(b)
Sec. 4	<i>July 1, 2010</i>	17a-485b(d)
Sec. 5	<i>July 1, 2010</i>	54-66a
Sec. 6	<i>July 1, 2010</i>	54-56k

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill specifies that if the court finds a person indigent or unable to pay the fees for an intervention program, such fees may be waived. The bill also specifies that the Pretrial Alcohol and Drug Account be used to pay the program fee of any person who is indigent or otherwise unable to pay for a treatment program.

Current law provides that the account be used to pay the costs for any person who is indigent or unable to pay. The bill clarifies that these costs include the program fee of \$350 to \$500. There is no associated fiscal impact.

House "A" makes technical and conforming changes and has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5252 (as amended by House "A")******AN ACT CONCERNING THE PRETRIAL ALCOHOL EDUCATION PROGRAM AND THE PRETRIAL DRUG EDUCATION PROGRAM.*****SUMMARY:**

This bill requires the Court Support Services Division (CSSD) to keep a record of a person's participation in the pretrial alcohol education program for 10, rather than seven, years. CSSD is already required to keep records for 10 years for participants in the pretrial drug education program. For both programs, the bill requires that the 10-year period start on the date the court grants the application for participation, rather than from the date of application.

For both programs, the bill makes several minor changes regarding program costs. The bill specifies that the court can waive all or part of the alcohol intervention program fee if it finds that a person is indigent or unable to pay.

Similarly, for the pretrial drug education program, the bill specifies that the substance abuse treatment program costs must be paid from the pretrial account if the court finds that a person is indigent or unable to pay. The law already allows (1) for costs to be paid from this account when treatment is ordered as part of the pretrial alcohol education program and (2) the court to waive all or part of the fees for intervention programs in the pretrial drug education program. Additionally, the bill specifies that a person cannot be excluded from the substance abuse treatment program based on his or her inability to pay costs. Also, by law, for both programs, if a person is unable to attend a program in Connecticut, he or she can attend in another state if the appropriate fees are paid. The bill requires that costs be paid as

well.

The bill clarifies that CSSD, rather than the Department of Mental Health and Addiction Services, must require participation in the community service labor program as a condition of participation in the drug education program.

Finally the bill makes technical and conforming changes.

*House Amendment "A" for pretrial alcohol education programs, allows the court to waive fees for the alcohol intervention program, rather than requiring the fees for indigents to come from the pretrial account. For the pretrial drug education program, it requires the pretrial account to pay the costs of the treatment program rather than allowing the court to waive fees for the indigent. The amendment also makes technical changes.

EFFECTIVE DATE: July 1, 2010

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 34 Nay 0 (03/03/2010)